

CALIFORNIA COASTAL COMMISSION

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F-12a

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PERMIT AMENDMENT

APPEAL NO.: A-2-SMC-04-009-A1

APPLICANT: Keith and Cindy Waddell

LOCAL GOVERNMENT: San Mateo County

PROJECT LOCATION: 153-acre parcel at 21960 Highway 1, near Tunitas Creek Road, in the unincorporated area of San Mateo County south of the City of Half Moon Bay, APN 066-330-160

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 7,650 sq. ft. single-family residence, 3,000 sq. ft. agricultural barn, two septic systems, 5,280 cubic yards of grading for an approximately 3,000 ft. long access road, conversion of an agricultural well for domestic purposes, and installation of a water tank.

DESCRIPTION OF AMENDMENT: As amended, the approved access road would be realigned to provide access from Tunitas Creek Road in the southeast portion of the property and the approved residence and barn would be redesigned and slightly relocated.

SUBSTANTIVE FILE DOCUMENTS See Appendix A

STAFF RECOMMENDATION: Approval with Conditions

List of Exhibits

Note: Exhibits attached to this permit amendment staff report (Exhibits 1, 3, 17, 18, 19, and 20) are only those related directly to the proposed changes to the project. Exhibits associated with CDP No. A-2-SMC-04-009 are included, omitted or added in this permit amendment staff report as indicated below.

- 1 Regional Location Map **(Included)**
- 2 Project Site Location **(Omitted)**
- 3 Habitat Types and Site Alternative Locations Map **(Included)**
- 4 Site 6 Alternative Locations Map **(Omitted)**
- 5 San Mateo County's Conditions of Approval **(Omitted)**
- 6 Applicants Alternatives Analysis **(Omitted)**
- 7 Prairie dependent species of Santa Cruz County **(Omitted)**
- 8 Letter from Patrick McIntyre, Glen Lukos Associates to David Goldberg, Latham & Watkins, *Distribution of Sensitive Habitats Within the Waddell Property, Tunitas Creek Road, San Mateo County, California*, March 8, 2005. **(Omitted)**
9. Memorandum from Robert W. Floerke, California Department of Fish and Game, to Alfred Wanger, California Coastal Commission, January 25, 2005. **(Omitted)**
- 10 List of Coastal Act Agricultural Policies **(Omitted)**
- 11 Applicable County of San Mateo Local Coastal Plan Policies and Planned Agricultural District Zoning Regulations **(Omitted)**
- 12 Commission Permit History on PAD-Zoned Land **(Omitted)**
- 13 Slope Study Map **(Omitted)**
- 14 Letter from Lawrence D. Ford, PH.D. to Keith Waddell, *Coastal Terrace Prairie and Livestock Grazing at 21960 Cabrillo Highway, Half Moon Bay*, April 14, 2005. **(Omitted)**
- 15 Categorical Exclusion Order E-81-1, San Mateo County, Central Coast Region **(Omitted)**
- 16 Text of AB 1492 (Laird) **(Omitted)**
- 17 Site Overview **(Added)**
- 18 Residential Site Plan **(Added)**
- 19 Previously Approved Residential Floor Plans and Renderings **(Added)**
- 20 Proposed Revised Residential Floor Plans and Renderings **(Added)**

1.0 Staff Note

On May 12, 2005, the Commission granted Coastal Development Permit (CDP) A-2-SMC-04-009 to: construct a 7,650 sq. ft. single-family residence, a 3,000 sq. ft. agricultural barn, two septic systems, authorize 5,280 cubic yards of grading for an approximately 3,000 ft. long access

road, allow conversion of an agricultural well for domestic purposes, and authorize installation of a water tank.

On June 9, 2005, the Coastal Law Enforcement Action Network (“CLEAN”) filed suit against the Commission challenging the Commission’s decision to allow the access road for the house to run through coastal terrace prairie. The applicant subsequently filed suit against the Commission challenging the Commission’s finding that coastal terrace prairie is an environmentally sensitive habitat area. The parties have engaged in the settlement discussions. The proposed permit amendment is intended to resolve the litigation.

2.0 EXECUTIVE SUMMARY

The Coastal Commission received the Notice of Final Action for San Mateo County’s approval of the subject development on June 30, 2004. The County approved project located the house in the northeastern portion of the project site primarily within coyote scrub brush habitat, but included a portion of the development within coastal terrace prairie, a sensitive habitat under the County’s Local Coastal Plan (LCP). The barn was located within coyote brush scrub approximately 800 feet south of the house. The road alignment for an approximately 3,000 ft. long access road from Highway One was routed across the property through coastal terrace prairie and coyote brush scrub. The Commission appealed the project and on August 11, 2004, the Commission found that the appeal raised substantial issues under the sensitive habitat and agricultural protection policies of the San Mateo County LCP. The de novo hearing on the proposed development was postponed to a future meeting at the applicant’s request.

The applicant developed and evaluated a number of alternative locations for the proposed development and road alignments, and provided additional information on the constraints analysis. All of the alternative locations and road alignments were evaluated for compliance with the applicable polices of the San Mateo County LCP and other site constraints on the property.

The de novo hearing was held on May 12, 2005, at which time the Commission granted Coastal Development Permit (CDP) A-2-SMC-04-009 with conditions. The approved project included the construction of a 7,650 sq. ft. single-family residence, 3,000 sq. ft. agricultural barn, two septic systems, 5,280 cubic yards of grading for an approximately 3,000 ft. long access road, conversion of an agricultural well for domestic purposes, and installation of a water tank. The project conditions included restricting residential development to a 10,000 square foot area, requiring that all areas of the property, except for the 10,000 square foot development envelope be maintained in active agricultural use, requiring the applicant to dedicate an agricultural conservation easement over all areas of the property outside of the residential development envelope. Details of these conditions are provided below in Section 3.2. The Commission also found that it would be infeasible to construct the proposed access road in the southeast portion of the site (Alternative 1C Exhibit 3) and approved the access road at an alternate location (Alternative 1B Exhibit 3).

The applicant has proposed in this amendment to relocate the access road to the southeast portion of the site, avoiding impacts to coastal terrace prairie (Alternative 1C, Exhibit 3). The relocated 3,320 foot long access road would result in an increase in grading from approximately 5,280 cubic yards to approximately 13,000 cubic yards. The applicant has also proposed elevating the stretch of roadway that bisects an identified dispersal corridor for California red-legged frog and San Francisco garter snake, located between an agricultural pond on the property and Tunitas Creek a minimum of two feet above ground surface to allow passage and minimize potential impacts to these species in accordance with the recommendations of the Department of Fish and Game.

The applicant has proposed changes to the design of the house, resulting in a house that is slightly larger and taller (7,727 square feet or 77 square feet larger, and approximately 23 feet tall or slightly more than 6 feet taller) than was originally approved by the Commission (Exhibits 19 and 20). In order to minimize visual impacts resulting from the changes in the design and height of the house from viewpoints along Tunitas Creek Road, the applicant has relocated the house approximately 150 feet down-slope southwest of the original house location approved by the Commission. The applicant also incorporated a berm and vegetative screening to the east of the new house location to further minimize visual impacts from Tunitas Creek Road (Exhibit 18). Visual simulation provided by the applicant indicates that minor portions of architectural features (such as chimney caps) may be visible along the skyline through the vegetative screening from viewpoints along Tunitas Creek Road. The location of the agricultural barn has been adjusted to provide screening of the residence from viewpoints along Highway 1. The barn would be visible from Highway 1. The size of the barn has also been reduced from approximately 3,000 square feet to approximately 1,404 square feet.

Staff recommends that the Commission approve the development as amended and conditioned. Special Condition 1 is revised to require the installation and maintenance of a fence or a marked and surveyed boundary along the perimeter of the 10,000-square-foot development envelope. Special Conditional 1 has been further modified to require that no portion of any residential structures shall be visible from Highway 1 and that visibility is minimized to the maximum extent feasible from public viewpoints on Tunitas Creek Road

Special Condition 2 is revised to clarify that underground utility connections are allowable outside the residential development envelope. Special Condition 5 requires that disturbed areas outside the residential development envelope be contoured to mimic the natural topography and planted with native vegetation, such as coyote brush scrub or grasses appropriate to the coastal terrace prairie areas of the San Mateo Coast. Special Condition 5 also requires the construction of berms and vegetation to screen residential development completely from views from Highway 1 and to the maximum extent feasible from Tunitas Creek Road.

Special Condition 6 requires that the access road must be located entirely within coyote brush scrub habitat and must avoid all coastal terrace prairie habitat. Special Condition 6 also requires that the stretch of roadway that bisects the identified dispersal corridor for California red-legged frog and San Francisco garter snake, located between the onsite agricultural pond and Tunitas Creek, shall be elevated a minimum of two feet above ground surface to allow passage of these species and minimize potential impacts to these species. Special Condition 10 is revised to

require those portions of the road surface of the newly developed access road that are visible from Highway 1 or Tunitas Creek Road shall be colored to blend in with the existing surrounding vegetation. Special Condition 11 is added to require archaeological monitoring during construction activities in the southeast portion of the property and the cessation of all construction in the area as determined by the archaeological monitor if cultural deposits are discovered in that area during grading or construction of the relocated access road.

3.0 Staff Recommendation

The staff recommends conditional approval of Coastal Development Permit Application Number A-2-SMC-04-009-A1.

Motion: I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-2-SMC-04-009-A1, pursuant to the staff recommendation.

Staff Recommendation of Approval

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as amended will be in conformity with the policies of the certified San Mateo County LCP. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

3.1 Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be

pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

3.2 Special Conditions

Note: Special Conditions 3, 4, 7, 8 and 9 of CDP A-2-SMC-04-009 are unchanged and shall remain in effect. Special Conditions 1, 2, 5, 6, 10 and 11 shall be revised as set forth below. Additions are shown with underline and deletions are shown with ~~strikethrough~~. Exhibits attached to this permit amendment staff report (Exhibits 1, 3, 17, 18, 19, and 20) are only those related directly to the proposed changes to the project.

All previous conditions of approval imposed on the project by the San Mateo County pursuant to an authority other than the California Coastal Act remain in effect (San Mateo County File Number PLN 2002-00375).

1. Revised Plans PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two sets of Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be consistent with the following requirements:

A. Residential Development Envelope. All residential development (i.e., the residence, all impermeable pathways, turnarounds, courtyards, garages, swimming pools, retaining walls, etc.), except the approved access road shall be confined within an area of no greater than 10,000 square feet. The residential development envelope shall be sited in the northeastern portion of the property in the area identified as Alternate 1C, as generally depicted on Exhibit 3. A fence or a marked and surveyed boundary with an appropriate number of permanent markers including a minimum of one permanent benchmark at each corner of the development envelope, shall be constructed and maintained for the life of the approved development along the perimeter of the 10,000-square-foot development envelope.

B. Visual Impacts ~~House Size and Height~~. No portion of any residential structures shall be visible from Highway 1. All development shall be sited and designed so that no portion of any residential structure is visible from public viewpoints on Highway 1 and visibility is minimized to the maximum extent feasible from public viewpoints on Tunitas Creek Road or scenic roads. The revised plans shall be submitted with evidence, such as photo simulations, representative staking, or architectural renderings, that the residential structures conform to these requirements that the structures will not be visible from any public viewpoints or scenic roads.

C. Water Tanks. Water tanks shall be located underground (unless not allowed, or found to be infeasible pursuant to standards of the California Department of Forestry), or otherwise be colored to mimic the site's natural backdrop (i.e., dark greens and browns), and shall not be visible from public viewing points.

D. Ornamental Landscaping. There shall be no ornamentally landscaped areas outside of the residential development envelope. All areas surrounding the building footprint shall be contoured to mimic the natural topography and planted with native grasses appropriate to coastal terrace prairie habitat on the San Mateo Coast.

E. Other Grading/Utilities and Septic Line Area. Following utility and septic system installation, all disturbed areas shall be contoured to mimic the natural topography of the site and revegetated with native grasses appropriate to coastal terrace prairie habitat on the San Mateo Coast.

F. Building Materials. Non-reflective, earth tone materials shall be used on all surfaces (siding, roofing, windows, chimney, gutters, etc.) to prevent the detection of glare or light reflection from public viewing areas.

G. Lighting. There shall be no exterior night lighting around the residence, other than the minimum lighting necessary for pedestrian and vehicular safety purposes. All interior lighting within the residence shall be directed away from windows, which are visible from public viewing areas. All lighting shall be downward directed and designed so that it does not produce any light or glares off-site. All lighting fixtures shall be shielded so that neither the lamp nor the related reflectors are visible from public viewing areas. Floodlighting or spotlighting of ground or ocean water surfaces shall be prohibited.

H. The Permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

2. Agricultural Use

A. No development, as defined in section 30106 of the Coastal Act shall occur outside of the approved development envelope pursuant to the final approved plans in accordance with Special Condition 1 and as generally depicted as Alternative 1C in Exhibit 3 except for:

1. Agricultural production activities defined as "activities that are directly related to the cultivation of agricultural commodities for sale. Agricultural commodities are limited to food and fiber in their raw unprocessed state, and ornamental plant material"
2. Construction, repairs and maintenance of the access road authorized by this permit,

3. Construction, maintenance and repair of agricultural support facilities directly related to the cultivation of food, fiber, and ornamental plants being undertaken on the site, such as agricultural barns, fences, and agricultural ponds, except that no structures shall be located within any wetlands, streams, riparian corridor, or sensitive habitat areas or their buffers as generally depicted on Exhibit 3, other than those authorized by this permit or unless categorically excluded from permit requirements. The proposed 3,000 sq. ft. agricultural barn may only be used for purposes accessory to agricultural activities on the property. The barn may not be used for any residential related purposes, and may not be converted to residential use, nor be modified to include any residential related facilities including, but not limited to, kitchens, cooking or sleeping areas.

4. Underground utilities and utility connections, installation, repair, and maintenance of utility poles and wires pursuant to the easement recorded on July 18, 1925 in the Official Records of the County of San Mateo, Book 178, Page 354 and the easement recorded on October 6, 1928 in the Official Records of the County of San Mateo, Book 375, Page 379; and repair and maintenance of existing electrical and telephone facilities pursuant to the easement recorded on August 8, 2000 in the Official Records of the County of San Mateo, Instrument No. 2000-110601.

5. Public access improvements, and

6. Farm labor housing, if approved by the Coastal Commission as an amendment to this coastal development permit.

7. Development categorically excluded from the permit requirements of the California Coastal Act of 1976, including without limitation any categorically excluded development within areas containing Coastal Terrace Prairie.

B. All areas of the Property, except for the 10,000 square foot development envelope specified in Special Condition 1, shall at all times be maintained in active agricultural use. Agricultural use shall be defined as the use of land for the purpose of producing an agricultural commodity for commercial purposes. The Permittee may satisfy this requirement either by engaging in good faith in agriculture at a commercial scale and/or by leasing the area of the Property outside of the approved 10,000-square-foot development envelope, in whole or in part, to a farm operator for commercial agricultural use. The lease rate terms of any lease agreement for purposes of this condition shall not exceed the current market rate for comparable agricultural land in the region and shall reflect a good faith effort on the part of the Permittee to maintain agricultural use of the property. The Permittee shall be responsible for ensuring that an adequate water supply and other necessary infrastructure and improvements are available for the life of the approved development to sustain the agricultural viability of the property.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall dedicate an agricultural conservation easement to a public agency or private association approved by the Executive Director (hereinafter referred to as the "Grantee") an agricultural conservation easement for the purposes of implementing the requirements of Paragraphs A and B

above. Such easement shall be located over the entire parcel except for the area contained within the approved development envelope pursuant to Special Condition 1 as shown in Exhibit 3. After acceptance, this easement may be transferred to and held by any entity that qualifies as a Grantee under the criteria stated above. The easement shall be subject to a covenant that runs with the land providing that the Grantee may not abandon the easement until such time as Grantee effectively transfers the easement to an entity that qualifies as a Grantee under the criteria stated herein.

D. In the event that an acceptable Grantee cannot be identified, the applicant may in the alternative execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an agricultural conservation easement consistent with the purposes and requirements described above. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition. The offer shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

E. The landowner shall submit to the Executive Director and/or Grantee such information as may reasonably be required to monitor the landowner's compliance with the terms of this condition. Such information may include a written report describing current uses and changes in uses (including residential uses). The written report and any other required information shall be provided as needed upon the request of the Executive Director and/or Grantee, in a form as shall be reasonably required by same. If the landowner enters into a lease agreement with a farm operator for any portion of the property, a copy of the lease agreement may also be required as further documentation of compliance with this condition.

F. If circumstances arise in the future beyond the control of the landowner or operator that render continued agricultural production on the property infeasible, the easement may be converted to an open space easement upon Commission certification of an amendment to the LCP changing the land use designation of the parcel to Open Space in accordance with all applicable policies of the certified LUP and the Coastal Act, and the requirements of Paragraph B above may be extinguished upon Commission approval of an amendment to this coastal development permit.

3. Right-to-Farm By acceptance of this permit, the Permittee acknowledges and agrees: (a) that the permitted residential development is located on and adjacent to land used for agricultural purposes; (b) users of the property may be subject to inconvenience, discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (c) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks to the Permittee and the property

that is the subject of this permit of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from or in any way related to the property that is the subject of this permit.

4. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

5. Landscaping Plan PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for executive director review and approval, two sets of landscape plans (Plan). The Plan shall be prepared in consultation with a landscape professional familiar with California native species. The Plan shall include an analysis by a qualified expert that considers the specific condition for all areas of the project disturbed of the site including soil, exposure, temperature, moisture, and wind. The Plan shall demonstrate that:

A. There shall be no ornamentally landscaped areas outside of the final approved residential development envelope. All disturbed areas with outside the residential development envelope shall be contoured to mimic the natural topography and planted with native vegetation, such as coyote brush scrub or grasses appropriate to the coastal terrace prairie areas of the San Mateo Coast. ~~The perimeter of the landscaping surrounding the residential area shall be adequately fenced to maintain an adequate buffer between the proposed development and agricultural operation.~~

B. Berms and vegetative screening shall be provided to reduce the visual impacts associated with the access road or residential development by using native species appropriate to the area ~~that will not extend above the ridge line when mature~~. Plantings shall be staggered and not placed in uniform rows or lines so that the screening does not look unnatural.

1. Upon completion, all approved residential structures shall be screened 100 percent from views from Highway 1 and to the maximum extent feasible from

Tunitas Creek Road primarily by existing vegetation and landforms and through the construction of berms and native scrub vegetation as necessary. As-built plans shall be submitted with evidence, such as photo simulations, representative staking, or architectural renderings, that demonstrate conformity with this requirement. Berms shall be designed to appear part of the existing topography.

2. Prior to occupancy of the residence authorized herein, the permittee shall submit evidence, for the review and approval of the Executive Director, sufficient to demonstrate that no portion of any residential structure on the property is visible from Highway 1 and all residential structures are screened to the maximum extent feasible from views along or from Tunitas Creek Road.

C. All vegetation planted on the site and along the road alignment will consist of non-invasive, drought-tolerant plants native to the area.

D. All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

E. The Plan shall include, at a minimum, the following components:

1. A map showing the type, size, and location of all plant materials that will be used, the irrigation system, topography, and all other landscape features, and,

2. A schedule for installation of plants, indicating that screening vegetation will be installed prior to access road use and home occupancy.

F. The permittee shall undertake development in accordance with the approved Plan. Any proposed changes to the approved Plan shall be reported to the Executive Director. No changes to the approved final Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Sensitive Habitat. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised plans for the review and approval of the Executive Director, showing the relocation of the access road to the alignment associated with Alternative ~~4B-1C~~ as shown on Exhibit 3 and in accordance with all of the following requirements:

A. The revised plans shall clearly identify work zones. The applicant shall install protective fencing adjacent to areas of coastal terrace prairie prior to any grading or other construction activities. The applicant shall ensure that protective fencing is maintained until access road and residential construction work is completed.

B. No grading or construction activities shall occur within 300 feet of nesting loggerhead shrikes or raptors. If grading or construction takes place between March 1 and September 30, a

qualified biologist shall survey: (1) the coastal scrub habitat within 300 feet of each work area to determine if loggerhead shrikes or northern harriers are nesting in the scrub habitat and; (2) the Monterey cypress and pine woodlands and eucalyptus habitats within 300 feet of each work area to determine if other special status raptor species (e.g. Cooper's hawk, sharp-shinned hawk) are nesting there. The surveys shall be conducted within 30 days prior to grading or construction and shall be submitted for review and approval of the Executive Director. If active nests are found, no grading or construction work shall occur until all young have fledged.

C. Prior to the roadway and residential development, the applicant's biologist shall conduct a survey for Gairdner's yampah and coastal marsh-milk vetch (*Astragalus pycnostachyus* var. *pycnostachyus*). If either species are found nearby, construction in that area shall cease, and the applicant shall submit a supplementary avoidance and mitigation plan, developed in consultation with qualified biologist and the Executive Director. In order to protect these species, any further development may only be undertaken consistent with the provisions of the supplementary avoidance and mitigation plan. If the Executive Director approves the supplementary avoidance and mitigation plan and determines that the supplementary avoidance and mitigation plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination. If the Executive Director approves the supplementary avoidance and mitigation plan but determines that the changes therein are not de minimis, construction may not recommence until the Commission approves an amendment to this coastal development permit authorizing the required avoidance and mitigation measures.

D. The proposed agricultural barn must be sited outside of the coastal terrace prairie and other sensitive habitat areas on the site and clustered with other development on or adjacent to the project site.

E. The road must be located entirely within coyote brush scrub habitat and must avoid all coastal terrace prairie habitat. No grading or construction activities shall occur within areas of coastal terrace prairie as shown on Exhibit 3.

F. The stretch of roadway that bisects the identified dispersal corridor for California red-legged frog and San Francisco garter snake, located between the agricultural pond and Tunitas Creek, shall be elevated a minimum of two feet above ground surface to allow passage of these species and minimize potential impacts to these species. This stretch of roadway must be constructed and maintained in such a way to ensure that plants and debris are kept away from the edges of the elevated structure, and ensure that they do not act as a "bridge" from the ground to the road surface. The length of elevated roadway will be precisely determined in consultation with the Department of Fish and Game during the development of the grading plan.

G. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Grazing Plan PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a revised grazing plan for the review and approval of the Executive Director showing where pastures are located, how cattle would be rotated on a yearly and/or seasonal basis, and how grazing would be used to restore the native grasslands. The plan shall indicate where pasture fencing is located. No grazing shall occur within 100 feet of any riparian corridor or wetland. Fencing in the vicinity of the agricultural pond shall be maintained to prevent cattle from entering the sensitive habitat areas surrounding the pond.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Coastal Commission approved to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Implementation of Best Management Practices During Construction. Appropriate best management practices shall be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook. These measures shall include: 1) limiting the extent of land disturbance to the minimum amount necessary to construct the project; 2) designating areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; 3) providing for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in any runoff from construction, staging, and storage/stockpile areas; 4) incorporating good construction housekeeping measures, including the use of dry cleanup measures whenever possible; 5) collecting and filtering cleanup water when dry cleanup methods are not feasible; 6) cleaning and refueling construction equipment at designated offsite maintenance areas, and; 7) the immediate clean-up of any leaks or spills. The construction areas shall be delineated with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

9. Post-Construction Stormwater Pollution Prevention Plan.

A. Prior to issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, a Post-Construction Stormwater Pollution Prevention Plan showing final drainage and runoff control measures. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of storm water leaving the developed site after completion of construction. The Post-Construction Polluted Runoff Prevention Plan shall include, at a minimum, the BMPs specified below:

1. A pop-up drainage emitter system, or similar device shall be installed to conduct roof runoff from roof gutter systems and downspouts away from structural foundations and to disperse runoff in lawn or landscaped areas. Emitters shall be sized according to downspout and watershed (roof area) size. Pipe riser height shall be designed to create

head sufficient enough to lift pop-up. Outfall and sheetflow shall be designed to disperse runoff onto vegetated areas or suitable landscaped.

2. Where possible, runoff from the driveway should be directed to natural drainage systems that allow for filtration.
3. Native or noninvasive drought-tolerant adapted vegetation shall be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.
4. The final site plan shall show the finished grades and the locations of the drainage improvements, including downspouts and, where necessary, splashguards.

B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

10. Grading

A. *Prior to issuance of the coastal development permit*, the applicant shall submit a final proposed grading plan incorporating the requirements to relocate the residential development and access road under **Special Conditions 1 and 6** for review and approval by the Executive Director. Said plan shall also conform to the requirements of the San Mateo County Grading Ordinance, and shall incorporate the recommendations to protect special status species under **Special Condition 6**, above.

B. Those portions of the road surface of the newly developed access road that are visible from Highway 1 or Tunitas Creek Road shall be colored to blend in with the existing surrounding vegetation. All road surfaces shall be colored to blend in with the grassland, and that road cuts must be revegetated and visually screened as appropriate to minimize to visual impacts to the maximum extent feasible.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

11. Archaeological Resources

A. The applicant shall comply with the following pre-construction survey and monitoring conditions during construction of the road alignment in the low-lying areas of the southeast portion of the project site. Prior to commencement of work, a qualified archeologist shall:

1. Conduct a visual surface survey of the road alignment in the low-lying areas of the southeast portion of the project site project site prior to commencement of grading work associated with the access road to evaluate the project site for potential archeological resources; and
2. Conduct on-site monitoring during grading activities associated with the access road in the low-lying areas of the southeast portion of the project site to ensure that any archeological resources encountered during project activities are recorded, reported, and managed in accordance with applicable state and federal law.

B. If an area of potentially significant cultural deposits, as determined by the archaeological monitor, is discovered during the course of the project:

1. All construction in the area determined by the archaeological monitor as being necessary to record, report and manage such deposits in accordance with applicable state and federal law shall cease and shall not recommence except as provided in subsection C.2.

C. The applicant seeking to recommence construction within the area of the stoppage, as determined by the archaeological monitor, following discovery of the potentially significant cultural deposits shall submit a supplementary archaeological plan, developed in consultation with qualified local Native Americans, for the review and approval of the Executive Director. In order to protect archaeological resources, any further development in the area of the stoppage, as determined by the archaeological monitor, may only be undertaken consistent with the provisions of the supplementary archaeological plan.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction within the area of the stoppage, as determined by the archaeological monitor, may recommence after the Executive Director's informs the permittee of that determination.
2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction within the area of the stoppage, as determined by the archaeological monitor, may not recommence until after the Commission approves an amendment to this permit.

D. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the archaeological monitor shall conduct a brief training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction. The archaeological monitor shall also inform all qualified local Native Americans of the timing of construction and their opportunity to participate in construction monitoring.

4.0 FINDINGS AND DECLARATIONS

NOTE: The findings below pertain only to the changes to the approved development proposed by this permit amendment application. The findings for the Commission's action on the original permit application are contained in the Appeal De Novo Staff Report dated April 29, 2005, and Addendum dated May 10, 2005 as revised at the May 12, 2005 Commission hearing for Appeal A-2-SMC-04-009 (see Revised Findings for Appeal A-2-SMC-04-009 dated January 26, 2006).

4.1 Project Location and Site Description

The subject property (APN 066-330-160) is an approximately 153-acre parcel bordering on the inland side of Highway 1 and the north side of Tunitas Creek Road in the rural unincorporated area of the San Mateo Coast south of Half Moon Bay (Exhibits 1 and 2). The project site is

zoned Planned Agricultural District/Coastal Development (PAD/CD). The site contains a cellular facility, located along the western boundary of the site near Highway 1.

4.2 Description of Project Previously Approved

The original permit, CDP A-2-SMC-04-009, was granted to: construct a 7,650 sq. ft. single-family residence, a 3,000 sq. ft. agricultural barn, two septic systems, authorize 5,280 cubic yards of grading for an approximately 3,000 ft. long access road providing access from Highway 1, allow conversion of an agricultural well for domestic purposes, and authorize installation of a water tank.

4.3 Description of Amendment

The applicant has proposed in this amendment to relocate the access road to the southeast portion of the site, avoiding impacts to coastal terrace prairie (Exhibits 3 and 17). The relocated 3,320 foot long access road would result in an increase in grading from approximately 5,280 cubic yards to approximately 13,000 cubic yards. The applicant has also proposed elevating the stretch of roadway that bisects an identified dispersal corridor for California red-legged frog and San Francisco garter snake, located between an agricultural pond on the property and Tunitas Creek a minimum of two feet above ground surface to allow passage and minimize potential impacts to these species in accordance with the recommendations of the Department of Fish and Game.

The applicant has proposed changes to the design of the house, resulting in a house that is slightly larger and taller (7,727 square feet or 77 square feet larger, and approximately 23 feet tall or slightly more than 6 feet taller) than was originally approved by the Commission (Exhibits 19 and 20). In order to minimize visual impacts resulting from the changes in the design and height of the house from viewpoints along Tunitas Creek Road, the applicant has relocated the house approximately 150 feet down-slope southwest of the original house location approved by the Commission. The applicant also incorporated a berm and vegetative screening to the east of the new house location to further minimize visual impacts from Tunitas Creek Road (Exhibit 18). Visual simulation provided by the applicant indicates that minor portions of architectural features (such as chimney caps) may be visible along the skyline through the vegetative screening from viewpoints along Tunitas Creek Road. The location of the agricultural barn has been adjusted to provide screening of the residence from viewpoints along Highway 1. The barn would be visible from Highway 1. The size of the barn has also been reduced from approximately 3,000 square feet to approximately 1,404 square feet.

4.4 Consistency with San Mateo County Local Coastal Program:

4.4.1 Sensitive Habitat

Applicable LCP Policies

7.1 Definition of Sensitive Habitats

Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.

Sensitive habitat areas include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species.

7.3 Protection of Sensitive Habitats

- a. *Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.*

Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

7.4 Permitted Uses in Sensitive Habitat

Permit only resource dependent uses in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and habitats supporting rare, endangered, and unique species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30, 7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986.

In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

Rare and Endangered Species

7.33 Permitted Uses

- a. *Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to restore damaged habitats and to protect and encourage the survival of rare and endangered species.*

Discussion

Coastal terrace prairie is a rare and especially valuable native grassland habitat that supports several rare and endangered species and plays an important role in the ecosystem. Coastal terrace prairie covers a large portion of the project site. The importance of coastal terrace prairie habitat is widely recognized by both government and non-government organizations, including

the California Department of Fish and Game. The California Department of Fish and Game has identified coastal terrace prairie as rare habitat. As such coastal terrace prairie is a sensitive habitat as defined in LUP Policy 7.1, which states:

“Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting “rare and endangered” species as defined by the State Fish and Game Commission...”

The applicant proposes to relocate the access road from a location approved by the Commission (shown as Alternate 1B on Exhibit 3) to the southeast portion of the site (shown as Alternative 1C on Exhibit 3). The proposed relocation would avoid impacts to coastal terrace prairie, which is defined as sensitive habitat under LUP Policy 7.1.

Special Condition 1 requiring the adoption of project location Alternate 1C for the residence in the northeastern corner of the property, and the accompanying road alignment as required by **Special Condition 6** ensures that sensitive habitats on the property are not impacted by development. The development envelope and road alignment for the project are located in coyote bush scrub habitat and avoid all coastal terrace prairie.

Special Condition 6 prohibits grading or construction activities within areas of coastal terrace prairie and requires the project plans to be revised to clearly identify work zones. Additionally, the applicant must install and maintain plastic, protective fencing adjacent to areas of coastal terrace prairie prior to any grading or construction activities.

The property also contains a small agricultural pond located in the southeast portion of the property that contains willow riparian woodland, alder riparian woodland, and freshwater marsh areas. Biological surveys identified this area as providing suitable habitat for several rare species, including the California red-legged frog, and the San Francisco garter snake, and the southwestern pond turtle. The red-legged frog is a California species of special concern, and is also a federally Threatened species. Both the state and federal governments list the San Francisco garter snake as Endangered. The southwestern pond turtle is a state and federal species of concern. The pond area was confirmed as a breeding site for California red-legged frogs by a California Department of Fish and Game biologist during a site visit on January 6, 2005. Directed surveys for the San Francisco garter snake and southwestern pond turtle have not been conducted to date. The area surrounding the pond and wetland provides important habitat for cover and foraging for the red-legged frog and potentially the San Francisco garter snake. The grasslands located south and east between the pond and a riparian area adjacent to Tunitas Creek are also believed to provide an important dispersal corridor for these species.

Special Condition 6 also requires that the stretch of roadway which bisects the identified dispersal corridor for California red-legged frog and San Francisco garter snake, located between the agricultural pond and Tunitas Creek, must be elevated a minimum of two feet above ground surface to allow passage of these species and minimize potential impacts to these species. This mitigation measure was recommended by the Department of Fish and Game in order to allow the use of the access road and provide protection for these species. Department of Fish and Game staff has confirmed that the requirements of Condition 6 are sufficient to allow the use of this

access road and ensure adequate protection of these species.¹

Special Condition 10 requires that the applicant submit a final proposed grading plan for review and approval by the Executive Director. The plan must conform to the requirements of the San Mateo County Grading Ordinance, and incorporate the recommendations to protect sensitive habitat under **Special Condition 6**.

These conditions ensure that the proposed development does not adversely impact sensitive habitat as required by LUP Polices 7.1, 7.3, 7.4 and 7.33. Therefore, the Commission finds that, as conditioned, the proposed development is consistent with the sensitive habitat policies of the LCP.

4.4.2 Agricultural Resources:

Applicable LCP Policies

5.10 Conversion of Land Suitable for Agriculture Designated as Agriculture

- (1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;*
- (2) continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and*
- (3) clearly defined buffer areas are developed between agricultural and nonagricultural uses, and*
- (4) the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and*
- (5) public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

Discussion

The project site is considered as “other lands suitable for agriculture” as defined by the LCP because it is capable of supporting animal grazing. Accordingly, the site is designated as Agriculture in the County’s Land Use Plan and is zoned PAD (Planned Agricultural District). Currently, the site is used for cattle grazing.

Under Policy 5.10 of the certified LUP, the conversion of land suitable for agriculture within a parcel to a conditionally permitted use is prohibited unless all of the criteria have been met. As conditioned, the project will cluster development within a single area of the northeast portion of

¹ Personal Communication, Alfred Wanger, California Coastal Commission and Dave Johnson, California Department of Fish and Game, May 10, 2005.

the site. This clustering will allow for the creation and maintenance of a clear buffer between the agricultural and non-agricultural uses of the site. Additionally, the location of the development within approximately 450 feet of the neighboring residential development will help to minimize impacts from agricultural operations to residential areas by clustering development in the same vicinity, making it easier to control dust noise and odors to surrounding residential areas. **Special Condition 1**, selects project Alternate 1C, clusters the residential development close to adjacent residential development near the northeast portion of the property. **Special Condition 1** also restricts the residential development envelope to 10,000 square feet, ensuring that the development is clustered together on the project site. **Special Condition 1** has been modified to require that a fence or a marked and surveyed boundary be constructed and maintained for the life of the approved development along the perimeter of the 10,000-square-foot development envelope.

Special Condition 5 requires that the perimeter fencing required under Special Condition 1.A. shall be maintained between the proposed development and agricultural operations.

Special Condition 2 has also been modified to clarify that utility connections may occur outside of the approved development envelope.

These conditions described above are necessary to ensure that the proposed development does not cause significant adverse impacts to agricultural resources inconsistent with LUP Policy 5.10. Therefore, as conditioned, the Commission finds that the proposed development is consistent with the agricultural resource policies of the LCP.

4.4.3 Visual Resources

Applicable LCP Policies

8.5 Location of New Development

- a. *Require that new development be located in a portion of a parcel where the development is (1) least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner, which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.*

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

8.7 Development on Skylines and Ridgelines

- a. *Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel.*

Consistent with Policy 9.18, a site of greater than 30% slope may be deemed developable if it is the only other building site on the parcel and can be developed consistent with all other applicable LCP policies.

Prohibit the location of development, in whole or in part, on a skyline, or where it will project above a skyline, when a developable building site exists on a ridgeline.

A skyline is the line where sky and land masses meet, and ridgelines are the tops of hills or hillocks normally viewed against a background of other hills (General Plan Policy 4.7).

- b. *Where no other developable building site exists on a parcel, limit development on a skyline or ridgeline to 18 feet in height from the natural or finished grade, whichever is lower.*
- c. *Prohibit the creation of new parcels which have no developable building site other than on a skyline or ridgeline.*

8.17 Alteration of Landforms; Roads and Grading

- a. *Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, filling, or other development.*
- b. *To the degree possible, ensure the restoration of pre-existing topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.*
- c. *Control development to avoid the need to construct access roads, visible from State and County Scenic Roads. Existing private roads shall be shared wherever possible. New access roads may be permitted only where it is demonstrated that the use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.*

Discussion

The project site is located adjacent to Highway 1 within a State and County designated scenic corridor. The rural portion of the San Mateo Coast contains outstanding scenic qualities, with extensive open space views of the coast, agricultural lands, and the slopes of the Santa Cruz Mountains.

The project site is located on a south and west-facing hillside within a LCP designated scenic corridor just inland of Highway 1 (a State and County designated Scenic Road) (Exhibit 1). The site is surrounded by extensive scenic open space and agricultural land. The project site includes significant areas of open space, which are currently used for grazing activities.

The proposed development must comply with the requirements of LUP Policies 8.5, 8.7 and 8.17, which protect the scenic quality of the site as viewed from Highway 1. As discussed above, these policies require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, (3) does not project above a skyline or ridgeline and (4) consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Furthermore, LCP Policy 8.17, Alteration of Landforms; Roads and Grading, requires that development be located and designed to conform with, rather than change landforms and minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development. This policy further requires that development be controlled to avoid the need to construct access roads visible from state and County Scenic Roads and require the shared use of existing private roads whenever possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall also be located and designed to minimize visibility from State and County Scenic Roads, and built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

Special Condition 1 requires the adoption of project location Alternate 1C in the northeastern corner of the property. The location of the agricultural barn will provide screening of the residence from viewpoints along Highway 1. **Special Condition 5** requires the use of berms and vegetative screening to reduce the visual impacts associated with the access road or residential development. The condition further requires that all approved structures shall be screened 100 percent from views from Highway 1 and to the maximum extent feasible from Tunitas Creek Road.

The applicant has proposed the construction of a berm and the use of vegetative screening to minimize the visual impacts from viewpoints on Tunitas Creek Road to the southeast of the property (Exhibit 18). Visual simulation provided by the applicant indicates that minor portions of architectural features (such as chimney caps) may be visible along the skyline through the vegetative screening from viewpoints along Tunitas Creek Road. These features will not be visible from Highway 1. In order to minimize visual impacts resulting from the changes in the design and increased height of the house from viewpoints along Tunitas Creek Road, the applicant relocated the house approximately 150 feet down-slope southwest of the original house location approved by the Commission. The applicant also incorporated a berm and vegetative screening to the east of the proposed new house location to further minimize visual impacts from Tunitas Creek Road.

Tunitas Creek Road is identified as a County Scenic Road under the LCP. Development currently exists which is visible along the road in the project area. This development consists generally of small houses and agriculturally related development (barns, sheds, and outbuildings) located near the road or low down along the slopes of the hills surrounding the roadway.

Special Condition 10 further requires that those portions of the road surface of the newly developed access road that are visible from Highway 1 or Tunitas Creek Road be colored to blend in with the existing surrounding vegetation. Also all road cuts must be revegetated and visually screened as appropriate to minimize to visual impacts to the maximum extent feasible.

These conditions are necessary to ensure that the proposed development does not cause significant adverse visual impacts inconsistent with LUP Policies 8.5, 8.7 and 8.17. Therefore, as conditioned, the Commission finds that the proposed development is consistent with the visual resource policies of the LCP.

4.4.4 Archaeological Resources

Applicable LCP Policies

1.24 Protection of Archaeological/Paleontological Resources

Based on County Archaeology/Paleontology Sensitivity Maps, determine whether or not sites proposed for new development are located within areas containing potential archaeological/paleontological resources. Prior to approval of development proposed in sensitive areas, require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist/ paleontologist be submitted for review and approval and implemented as part of the project.

Discussion

During an archaeological survey of the property, evidence of prehistoric cultural resources was found in the southeast area of the site, near Tunitas Creek Road (Clark, 2002). This prehistoric site reportedly is a continuation of a prehistoric site found on an adjacent property (Marsh) to the west. No other historic or prehistoric resources were found on the property.

The proposed relocation of the access road to the southeast portion of the site near Tunitas Creek Road transects the general area where prehistoric cultural resources were previously reported. Grading and other construction activities could adversely impact prehistoric cultural resources potentially located in the area of the proposed road alignment between Tunitas Creek Road and the base of the southeast slope (shown as station 12+00 on sheet C-2 of the grading plan). Therefore, **Special Condition 11** requires that a qualified archaeologist review available information regarding archaeological resources previously prepared for the project, and conduct on-site monitoring during grading activities to ensure that archaeological resources are adequately protected. Because evidence of prehistoric cultural resources was found in the southeast area of the site, near Tunitas Creek Road, this condition has been added to require archeological monitoring in this portion of the project site. If an area of cultural deposits is discovered during the course of the project all construction in the area determined by the archaeological monitor as being necessary to record, report and manage such deposits in accordance with applicable state and federal law shall cease. Prior to recommencement of construction within the area of stoppage, the applicant shall submit a supplementary archaeological plan, developed in consultation with qualified Native Americans, for review and

approval of the Executive Director. However, during any period of cessation of construction activities due to the discovery of cultural deposits, construction activities may continue elsewhere along the road alignment and at the house site located approximately 1,500 feet upslope to the north-northwest of the area of cultural resource concern.

The Commission finds that as conditioned to mitigate potential impacts to archaeological resources the proposed development is consistent with the requirements of the archaeological resources policies of the certified LCP.

4.5 California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. The proposed project has been conditioned to be found consistent with the policies of the Coastal Act and the certified LCP and to minimize or eliminate all significant adverse environmental effects. Mitigation measures have been imposed to (1) ensure that development occurs outside of any sensitive habitat areas, (2) avoid adverse impacts to the scenic qualities of the area, (3) minimize and restrict encroachment of development into agricultural areas, and (4) protect and preserve archaeological resources of the property. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts, which the development may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with Coastal Act requirements to conform to CEQA.

Appendix A

Substantive File Documents

Biotic Resources Group, Waddell Residence, Tunitas Creek Road, San Mateo County, Biological Assessment, June 13, 2002.

Biotic Resources Group, Waddell Residence, Tunitas Creek Road, San Mateo County, Rare Plant Survey for Gairdner's Yampah, April 10, 2003.

California Department of Fish and Game, September 2004, Natural Diversity Database: Rarefind 2 Database, California Department of Fish and Game, Sacramento, California.

California Native Plant Society, Santa Cruz Chapter, Plant Communities of Santa Cruz County, Coastal Terrace Prairie, <http://www.cruznps.org/CoastalTerracePrairie.html>.

Clark, Mathew R., An Archaeological Reconnaissance of the Waddell Property, 21960 South Cabrillo Highway, Tunitas, San Mateo County, California, April 2002.

Hayes, Grey. 2003. Conservation Strategy for Coastal Prairie Conservation

Holland, Robert F., Ph. D., California Department of Fish and Game, October 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California.

Latham & Watkins, Waddell Property, Appeal No. A-2-SMC-04-009, Site Alternatives Analysis, October 25, 2004

Latham & Watkins, Waddell Property, Appeal No. A-2-SMC-04-009, Supplemental Biological Survey and Impact Analysis by Glenn Lukos Associates, December 23, 2004.

Latham & Watkins, Waddell Property, Appeal No. A-2-SMC-04-009, March 10, 2005

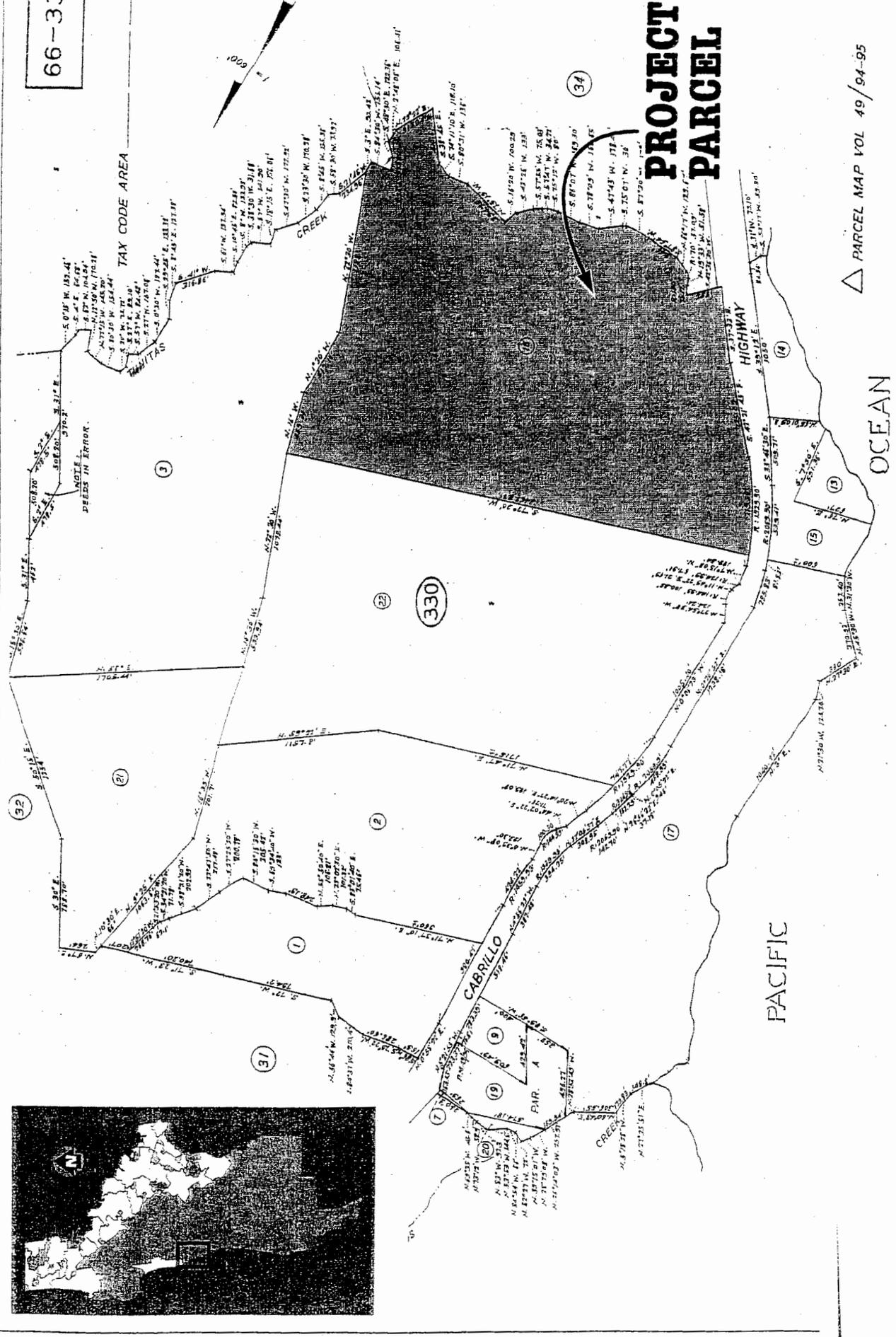
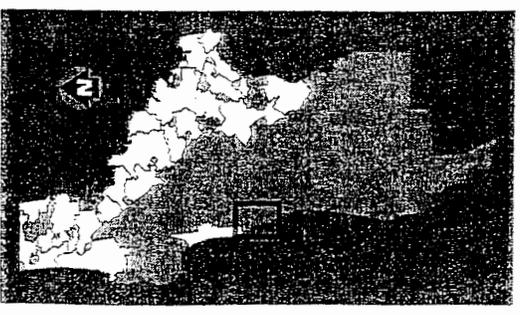
Natural Resources Conservation Service, Letter to Kerry Burke, Report on Site Visit to Waddell Property, May 16, 2002.

Reed Noss and Robert L. Peters, Endangered Ecosystems: A Status Report on America's Vanishing Habitat and Wildlife, (Washington, D.C.: Defenders of Wildlife, 1995.

Stohlgren, T. J., D. Binkley, G. W. Chong, M. A. Kalkhan, L. D. Schell, K. A. Bull, Y. Otsuki, G. Newman, M. Bashkin, and Y. Son. 1999. Exotic plant species invade hot spots of native plant diversity. *Ecological Monographs* **69**:25-46.

"The State of Disappearing Species and Habitat: A Sierra Club Report." Sierra Club. 19 May 2004.

66-33



PROJECT PARCEL

△ PARCEL MAP VOL 49/94-95

County Planning Commission Meeting

Piechota

PLN 2002-00375

Attachment: B

Exhibit I
A-2-SMC-04-009-A1
Waddell

--- Property Line
 --- County Setback Line

- Vegetation**
- Grassland Habitats**
 - Coastal Terrace Prairie (CTP)
 - Coastal Terrace Prairie in Understorey of Monterey Cypress or Monterey Pine
 - Non-Native Grassland (NNG)
 - Scrub Habitats**
 - Coyote Bush Scrub (COY)
 - Coastal Scrub (CSC)
 - Mixed Scrub (MMS)
 - Disturbed Scrub (DSC)
 - Riparian and Wetland Habitats**
 - Willow Riparian Woodland (WLW)
 - Riparian Scrub (RSC)
 - Freshwater Marsh (FWM)
 - Wet Meadow (WMD)
 - Disturbed Areas**
 - Disturbed-Developed (DD) / Eroded Gully (ERD)
 - Non-Native Trees**
 - Eucalyptus (EUC)
 - Monterey Cypress (C) / Monterey Pine (P)

Alternate 1C (proposed alternate barn location)

Alternate 1 (county approved)

Alternate 5 (Eastern Scrub)

Alternate 5 Berm

Alternate 4&5 (Highway 1 approach)

Alternate 4 (Western Scrub)

Alternate 4 Berm

Alternate 1B (county approved-Highway 1 approach)

Alternate 1A (original Highway 1 approach)

existing road

State Highway 1

County Setback Line

Property Line

Existing Cell Tower

Original Proposed Barn Location

Alternate 2 (near Highway 1)

Alternate 2 Berm

Alternate 1B (county approved barn)

Alternate 1C (Tunitas Creek Road approach)

agricultural pond

Tunitas Creek Road

Alternate 3 (near Tunitas Creek Road)

Tunitas Creek

existing road

Alternate 3 Berm



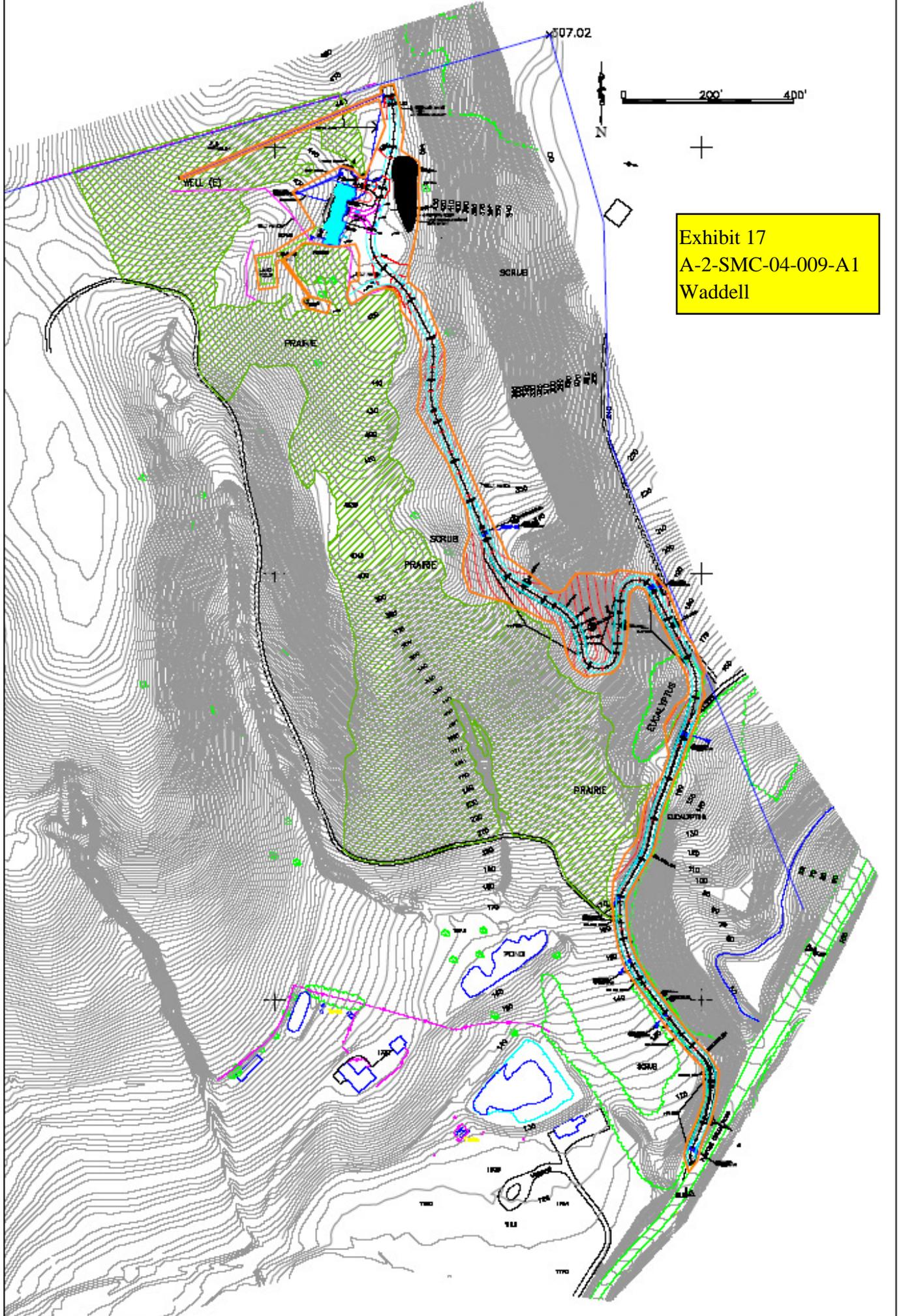
Waddell Property

Biology Map

5 Alternate Locations

Exhibit 3
 A-2-SMC-04-009-A1
 Waddell

Exhibit 17
A-2-SMC-04-009-A1
Waddell



SITE OVERVIEW- 1"=200'

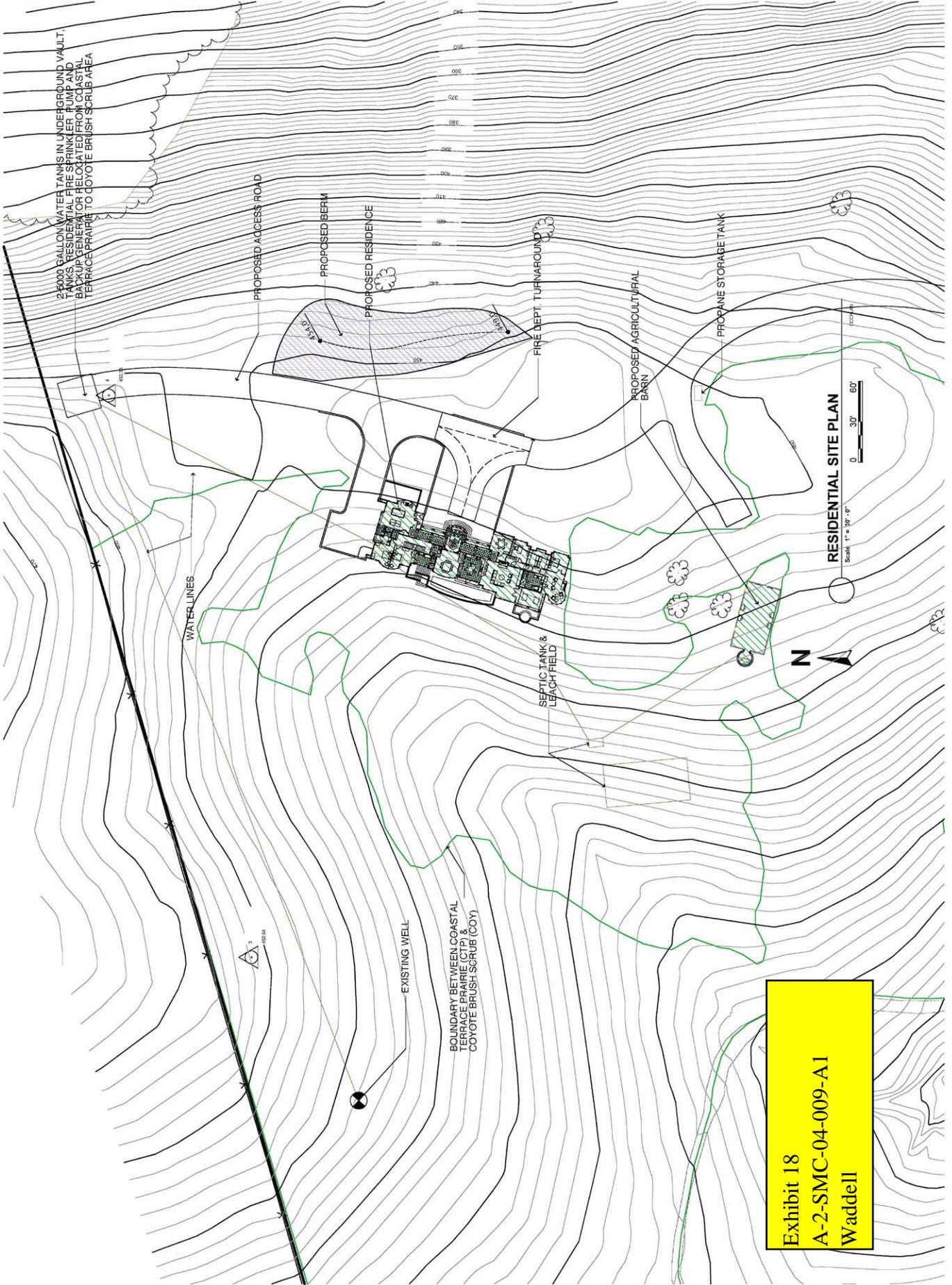
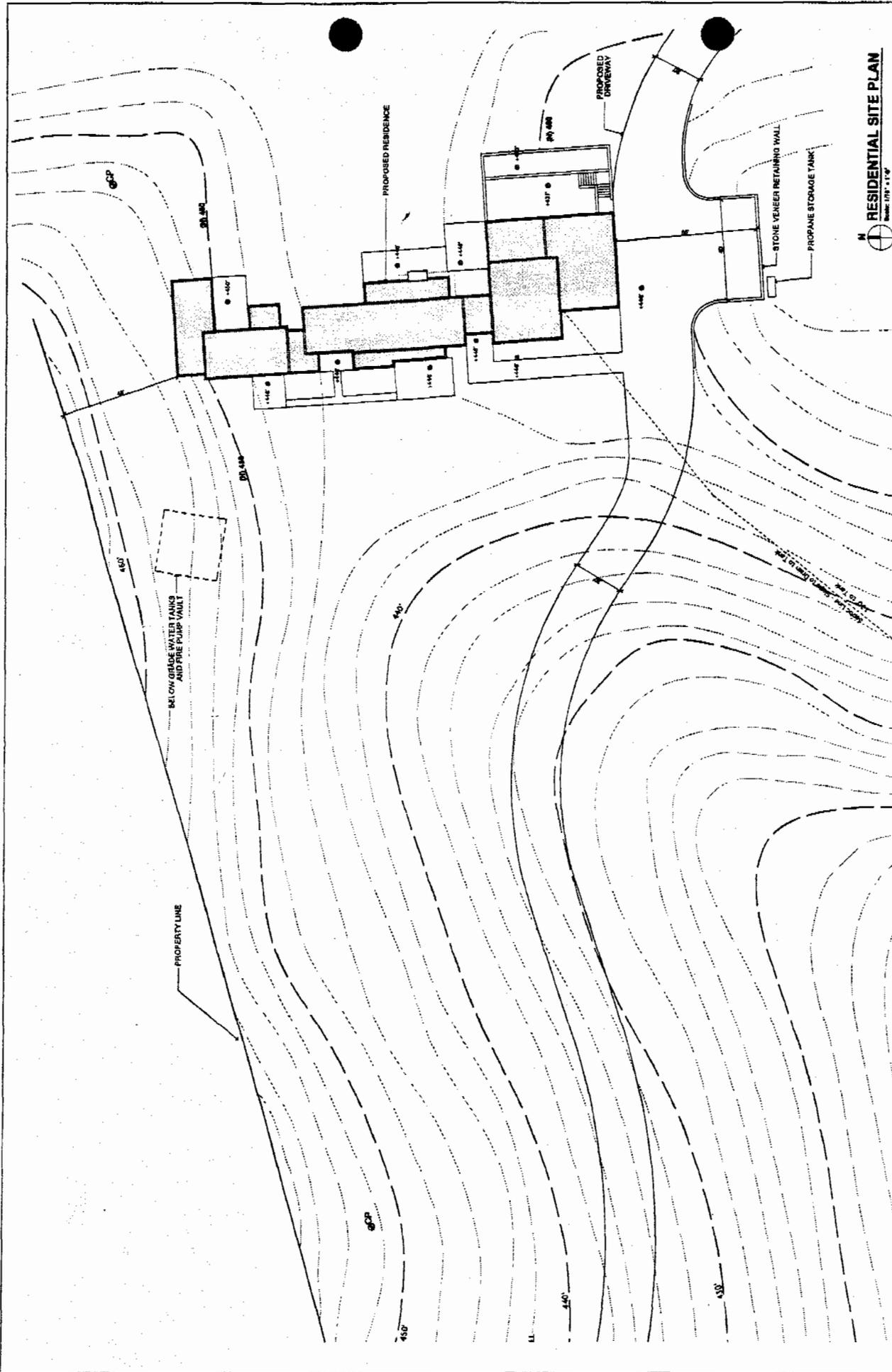


Exhibit 18
 A-2-SMC-04-009-A1
 Waddell



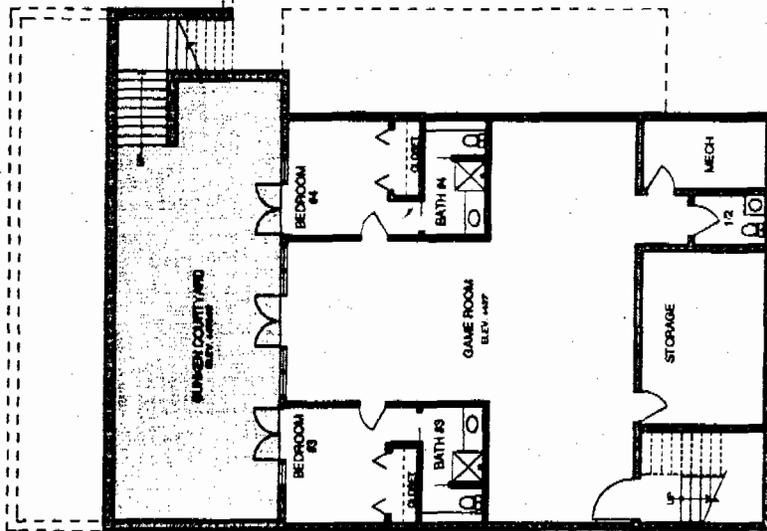
RESIDENTIAL SITE PLAN
 Scale: 1/8" = 1'-0"

San Mateo County Planning Commission Meeting

Applicant: **Piechota**

File Numbers: **PLN 2002-00375**

Exhibit 19
 A-2-SMC-04-009-A1
 Waddell



OUTLINE OF BUILDING
AT GROUND LEVEL

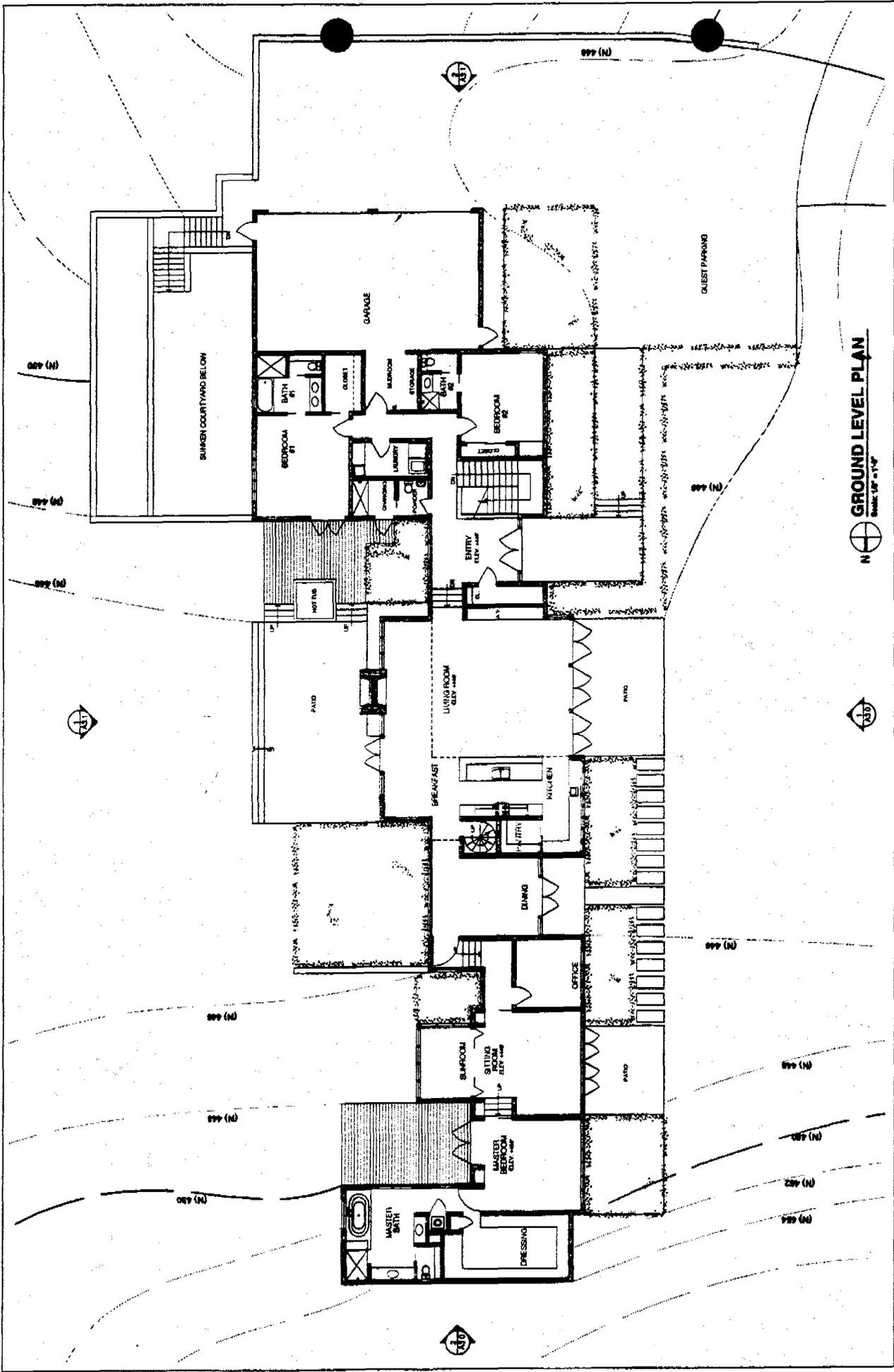
LOWER LEVEL PLAN
Scale: 1/8" = 1'-0"

San Mateo County Planning Commission Meeting

Applicant: **Piechota**

File Numbers: **PLN 2002-00375**

Attachment: D.1



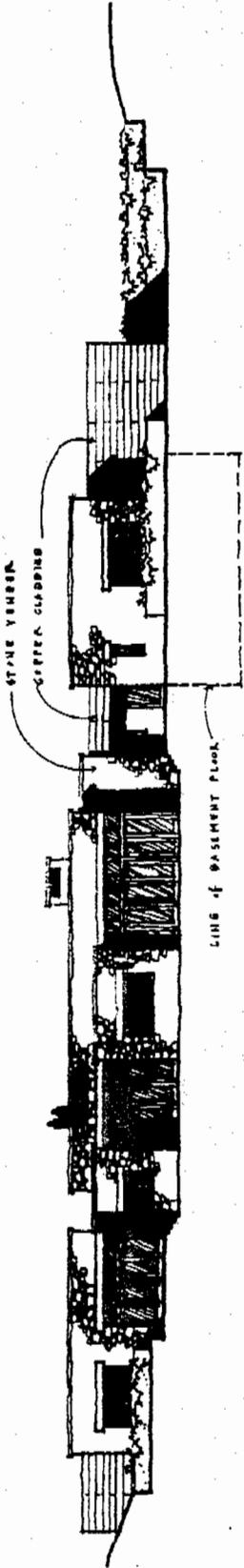
GROUND LEVEL PLAN
Scale: 1/8" = 1'-0"

San Mateo County Planning Commission Meeting

Attachment: D. 2

Applicant: **Piechota**

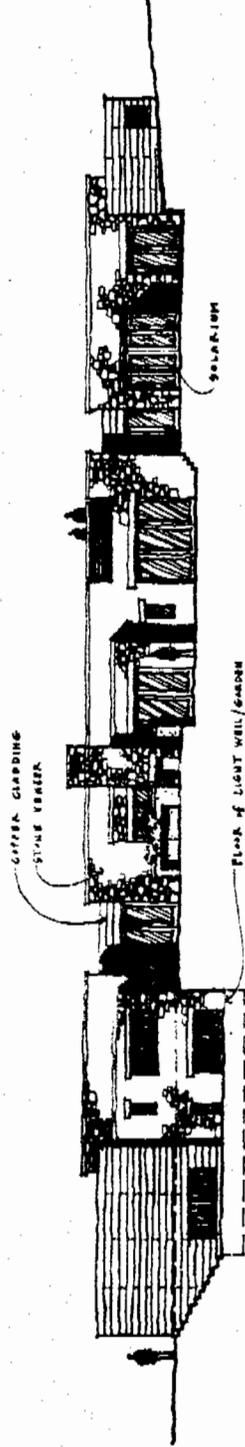
File Numbers: **PLN 2002-00375**



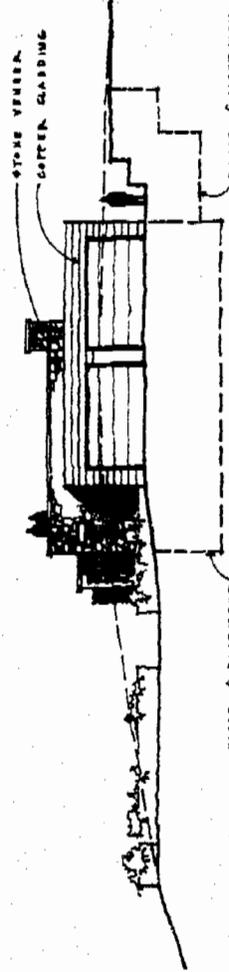
1 WEST ELEVATION
SCALE 1/8"=1'-0"



2 NORTH ELEVATION
SCALE 1/8"=1'-0"



3 EAST ELEVATION
SCALE 1/8"=1'-0"



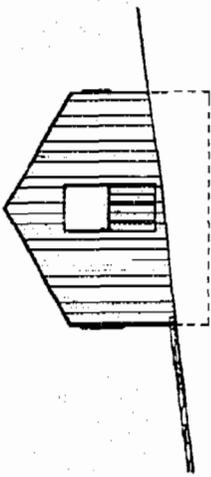
4 SOUTH ELEVATION
SCALE 1/8"=1'-0"

San Mateo County Planning Commission Meeting

Applicant: **Piechota**

File Numbers: **PLN 2002-00375**

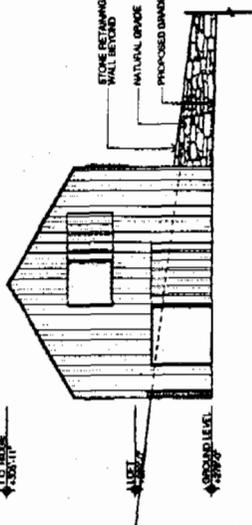
Attachment: **F**



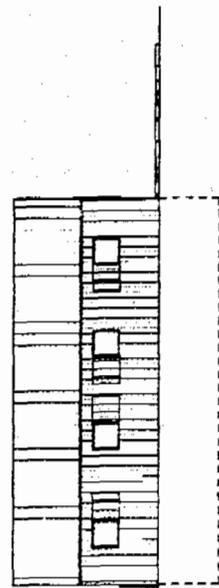
4 EAST ELEVATION
Scale: 1/8"=1'-0"



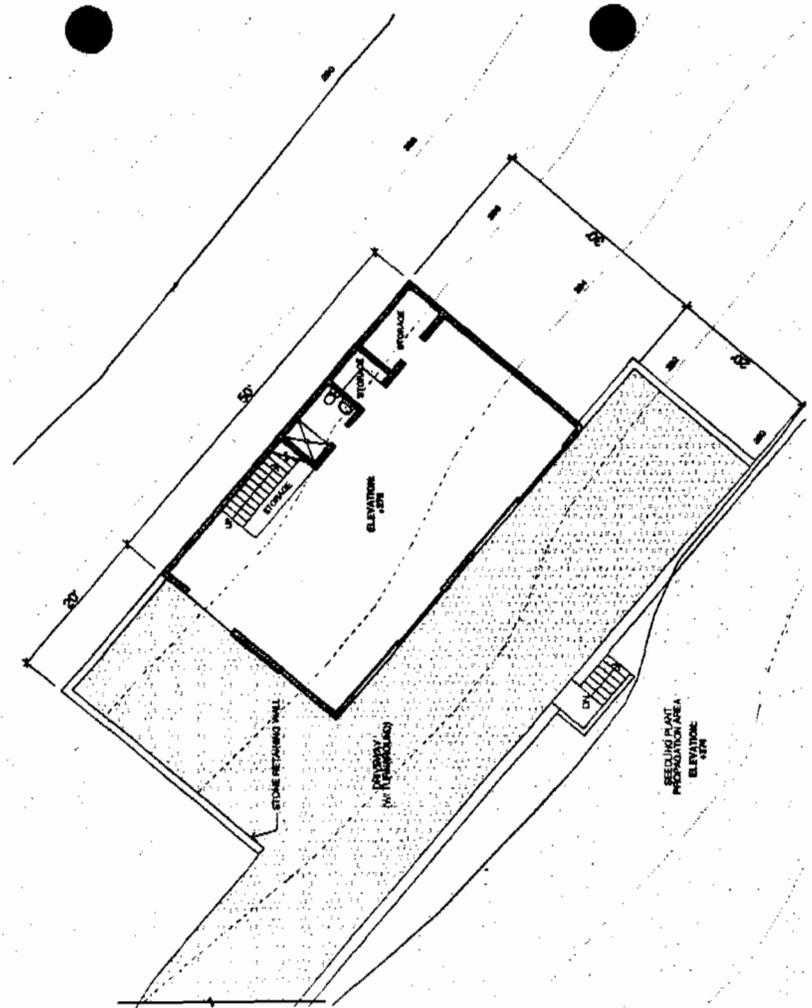
3 SOUTH ELEVATION
Scale: 1/8"=1'-0"



2 WEST ELEVATION
Scale: 1/8"=1'-0"



5 NORTH ELEVATION
Scale: 1/8"=1'-0"



1 BARN PLAN
Scale: 1/8"=1'-0"

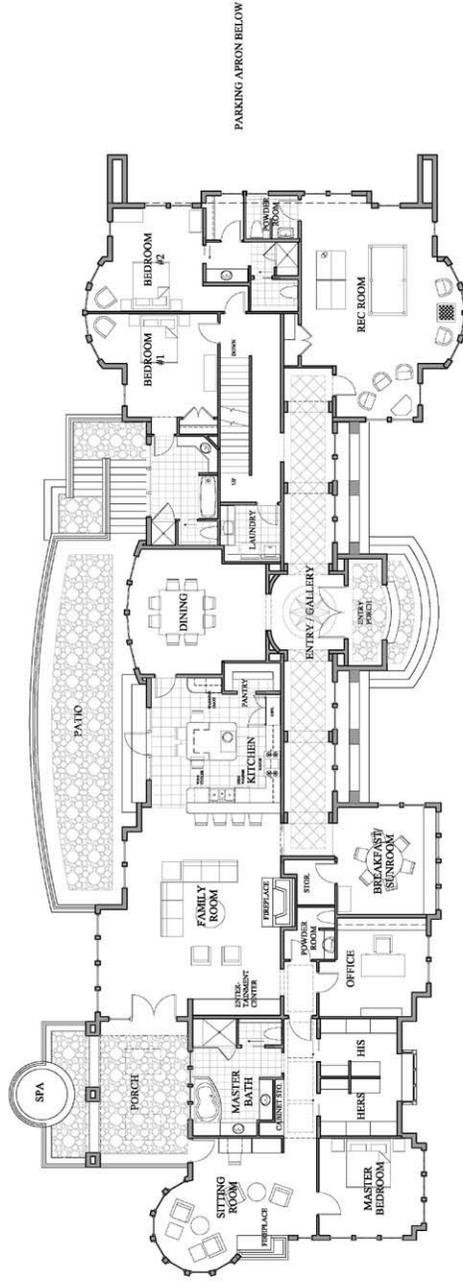
San Mateo County Planning Commission Meeting

Applicant: **Piechota**

Attachment: **4**

File Numbers: **PLN 2002-00375**

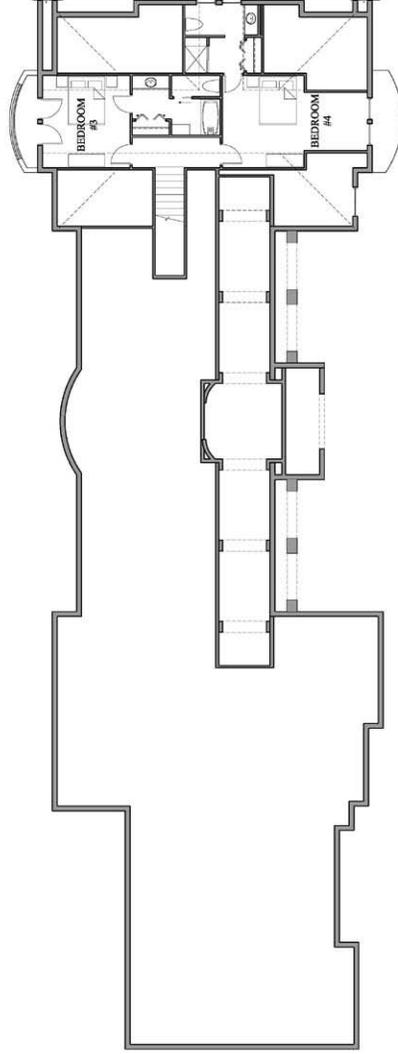
**A RESIDENCE FOR
KEITH & CINDY WADDELL
HALF MOON BAY, CA.
JAN. 13, 2006**



FIRST FLOOR PLAN

**Exhibit 20
A-2-SMC-04-009-A1
Waddell**

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HALF MOON BAY, CA.
JAN. 13, 2006



SECOND FLOOR PLAN



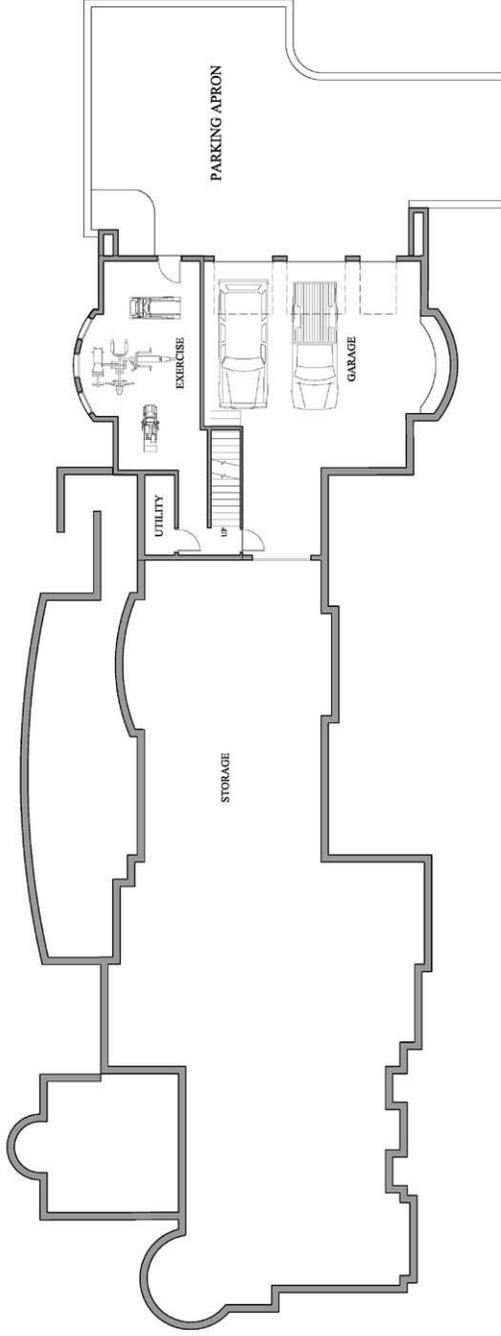
Mozingo + Wallace
ARCHITECTS, LLC

Architecture • Interiors •
Construction Management
10000 Wilshire Blvd., Suite 200
Beverly Hills, CA 90210
Tel: 310.441.1010
Fax: 310.441.1011

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GARAGE LEVEL PLAN



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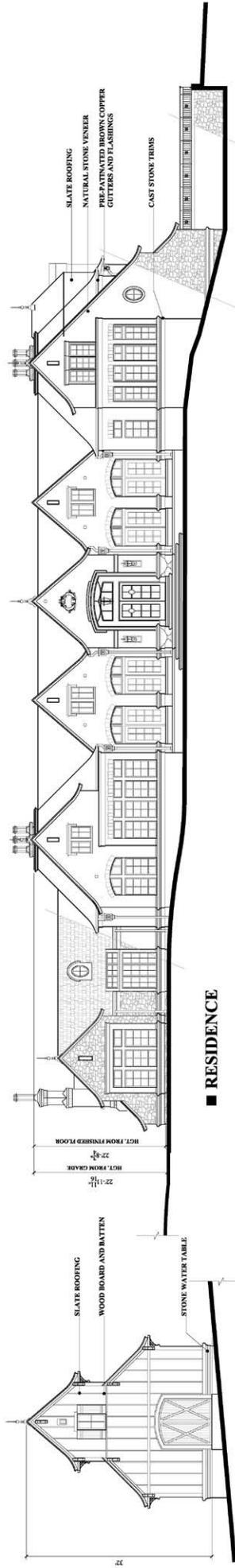
ARCHITECTS, LLC

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construction management
1000 BAYVIEW DRIVE
SAN FRANCISCO, CA 94134
PHONE 415.774.1100
WWW.MOZINGO+WALLACE.COM

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JAN. 13, 2006



■ BARN

■ RESIDENCE

ELEVATION FACING WEST

NOTE:
 EXTERIOR LIGHTING SHALL BE LIMITED TO MINIMUM NECESSARY FOR PEDESTRIAN AND VEHICULAR SAFETY.
 ALL FIXTURES SHALL BE FULL CUT-OFF PER I.E.S.N.A. STANDARD TO LIMIT VISIBILITY FROM OFF-SITE.
 FLOODLIGHTING OF GROUND OR OCEAN SIDE SURFACES IS PROHIBITED.
 INTERIOR LIGHTING SHALL BE DIRECTED AWAY FROM WINDOWS VISIBLE FROM OFFSITE.



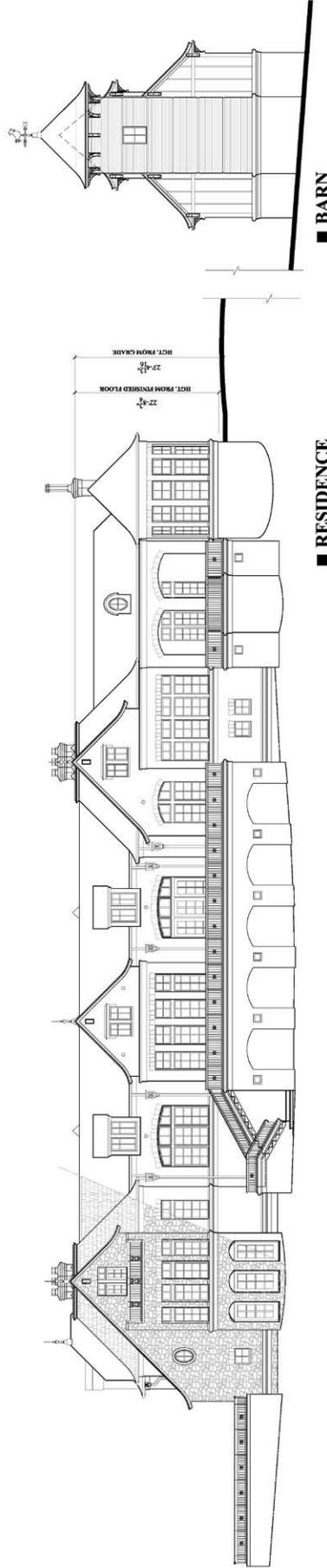
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 +
 Wallace**
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 10000 Wilshire Blvd., Suite 200
 Beverly Hills, CA 90212
 Tel: 310.357.1234
 Fax: 310.357.1235

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**A RESIDENCE FOR
KEITH & CINDY WADDELL
HALF MOON BAY, CA.**

JAN. 13, 2006



■ RESIDENCE

■ BARN

ELEVATION FACING EAST



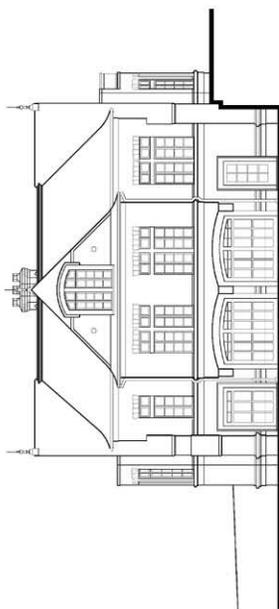
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Fax: 310.277.1112

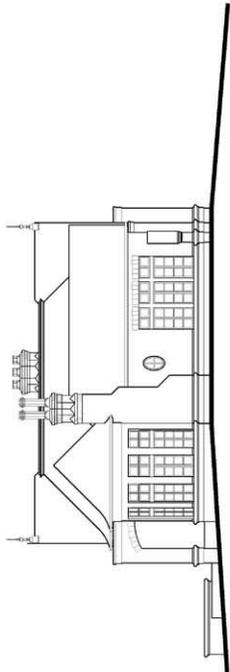
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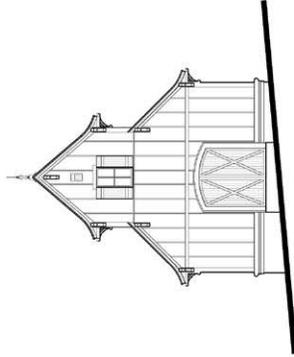
VIEW LOOKING SOUTH



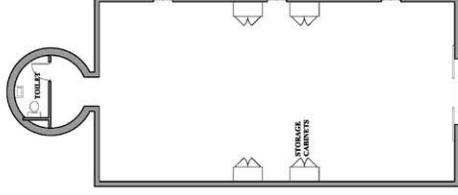
VIEW LOOKING NORTH

**A RESIDENCE FOR
KEITH & CINDY WADDELL
HALF MOON BAY, CA.**

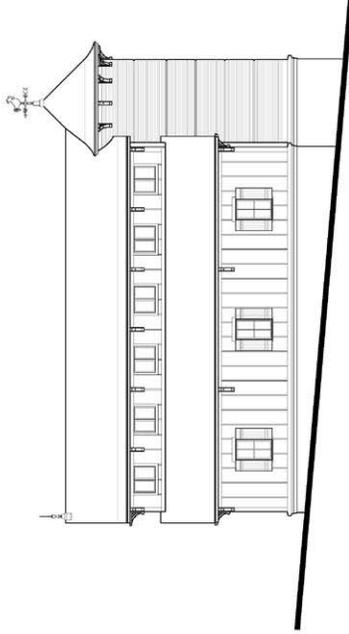
JAN. 13, 2006



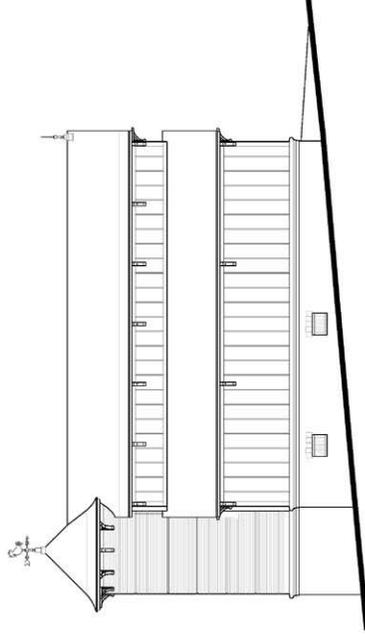
VIEW LOOKING WEST



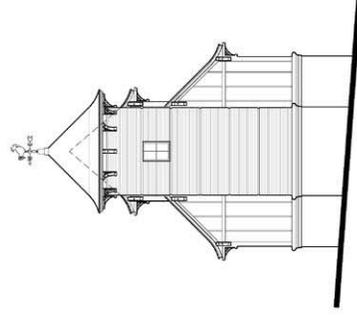
FLOOR PLAN



VIEW LOOKING SOUTH
AS SEEN FROM RESIDENCE



VIEW LOOKING NORTH
AS SEEN FROM U.S. HIGHWAY 1
NOTE:
ALL DOORS AND SHUTTERS THIS SIDE NON-FUNCTIONAL (FIXED IN CLOSED POSITION)



VIEW LOOKING EAST



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